EXPRESS MAIL NO.: EL 501 639 779 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Kroczek

Application No.: To Be Assigned Group Art Unit: To Be Assigned

Filed: Herewith Examiner: To Be Assigned

For: METHODS FOR TREATMENT OF Attorney Docket No.: 7853-240

ASTHMATIC DISORDERS

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.56 AND §1.97

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

In accordance with the continuing duty of disclosure imposed by 37 C.F.R. § 1.56 and § 1.97 to inform the Patent Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of any claim of the application, Applicants hereby direct the Examiner's attention to the references AA to BD listed on the attached revised form PTO 1449 entitled "List of References Cited by Applicant." Copies of references AA to BD are submitted herewith.

This application claims priority to U.S. patent application Serial No. 09/509,283, filed August 11, 2000, which claims priority to PCT Application PCT/DE98/02896, filed September 23, 1998.

Identification of the listed references is not to be construed an admission of Applicant or Attorneys for Applicant that such references are available as "prior art" against the subject application. Consequently, Applicants respectfully decline to use form PTO-1449, since this form identifies all of the references cited therein as "Prior Art". As an alternative, Applicants submit herewith several pages of a "revised form PTO 1449" entitled "List of References

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Cited by Applicant" instead of "List of Prior Art Cited". Copies of References AA-BD are being submitted herewith.

Pursuant to 37 C.F.R. § 1.97(b), since this Information Disclosure Statement is being filed before the first office action of the subject application, it is believed that no fee is due in connection herewith. However, should the Patent and Trademark Office determine otherwise, please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150.

Applicant respectfully requests that the Examiner review the foregoing references and that the references be made of record in the file history of the application.

Respectfully submitted,

Date October 4, 2001

Laura A. Coruzzi (Reg. N

By:

Muna Abu-Shaar

Limited Recognition Under 37 C.F.R. § 10.9(b) Copy of Certificate Enclosed

PENNIE & EDMONDS LLP

1155 Avenue of the Americas New York, New York 10036-2711 (212) 790-9090

Enclosure



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EXAMINER DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.